

Central Intelligence Agency



Washington, D.C. 20505

15 August 2013

Mr. Michael Morisy
MuckRock News
DEPT MR 6112
P.O. Box 55819
Boston, MA 02205-5819

Reference: F-2013-02066

Dear Mr. Morisy:

On 8 July 2013, the office of the Information Privacy Coordinator received your 7 July 2013 Freedom of Information Act (FOIA) request for records regarding "NO FEAR Act investigations conducted by this agency that involve alleged and possible violations of whistleblower protection laws between Jan 1, 2008 and the date that the request is processed." On 6 August 2013, we also received your 6 August 2013 letter requesting the status of your request. We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily.

I must consider your request for a fee waiver under the standards the Agency FOIA regulations outline, which you will find at Part 1900 of Title 32 of the Code of Federal Regulations, and Department of Justice guidance. I have reviewed your request under those standards to determine "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Your request does not meet these standards because disclosing the information you seek is not "likely to contribute significantly to public understanding of the operations or activities of the United States Government." I therefore deny your request for a fee waiver.

You may appeal this decision, in my care, within 45 days from the date of this letter. Should you choose to appeal the denial of your request for a fee waiver, you are encouraged to provide an explanation supporting your appeal. Agency regulations also specify that if the Agency has started to process a request, the Agency may only accept an appeal of a fee waiver denial if the requester agrees to be responsible for the costs in the event of an adverse administrative or judicial decision.

The CIA Information Act, 50 U.S.C. § 431, as amended, exempts CIA operational files from the search, review, publication, and disclosure requirements of the FOIA. To the extent your request seeks information that is subject to the FOIA, we accept your request and will process it in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431, as amended. We will search for records up to and including the date the Agency starts its search.

Based on the information provided in your letter, we determined that your request falls into the "representative of the news media" fee category, which means you may have to pay for the cost of reproducing released records, which would be assessed at a rate of ten cents per page after the first 100 copies, which you receive free.

The large number of FOIA requests CIA receives has created unavoidable delays making it unlikely that we can respond within the 20 working days the FOIA requires. You have the right to consider our honest appraisal as a denial of your request and you may appeal to the Agency Release Panel. A more practical approach would permit us to continue processing your request and respond to you as soon as we can. You will retain your appeal rights and, once you receive the results of our search, can appeal at that time if you wish. We will proceed on that basis unless you object.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Meeks".

Michele Meeks
Information and Privacy Coordinator